

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OLYMPUS CORPORATION, OLYMPUS CORPORATION OF THE
AMERICAS, and OLYMPUS AMERICA INC.,

Petitioners,

v.

MAXELL LTD., formerly known as HITACHI MAXELL, LTD.,
Patent Owner.

Case No. IPR2018-00904
Patent No. 8,339,493

**PETITIONER'S REQUEST FOR REFUND OF
POST-INSTITUTION FEES**

The petition for *Inter Partes* Review of U.S. Patent No. 8,339,493 (Case No. IPR2018-00904) was dismissed by an Order issued by the PTAB on December 26, 2018 (Paper No. 9). If a petition is not instituted, any post-institution fees paid by the Petitioner may be refunded.

In light of the above circumstances, Petitioner hereby requests a refund in the total amount of \$15,000.00 for the *Inter Partes* post-institution fees previously paid by Petitioner in connection with this proceeding.

The determination of the above refund is based on the following. On June 20, 2018, Petitioner filed a petition for *Inter Partes* Review of claims 1-14 of U.S. Patent No. 8,339,493 (IPR2018-00904, Paper No. 2), accompanied by a total payment of \$30,500.00 in accordance with the fee schedule specified in 37 C.F.R. § 42.15(a):

<i>Inter Partes</i> review request fee:	\$15,500.00
<i>Inter Partes</i> review request of each claim in excess of 20:	\$0.00
<i>Inter Partes</i> review post-institution fee:	\$15,000.00
<i>Inter Partes</i> review post-institution request of each claim in excess of 15:	\$0.00
Total fees paid:	\$30,500.00

Under the Board's current practice, Petitioner is entitled to a refund of the above listed *Inter Partes* **post-institution fees** in the total amount of \$15,000.00.

Accordingly, Petitioner respectfully requests that the Board grant this request for refund of the *Inter Partes* post-institution fees, and credit a refund in the amount of \$15,000.00 to Petitioner's Deposit Account No. 50-0665, charge number 123955-0003.0002.

Dated: January 30, 2019

/Matthew J. Moffa /

Lead Counsel

William J. McCabe, Reg. No. 33,536

Back-Up Counsel

Matthew J. Moffa, Reg. No. 58,860

Counsel for Petitioner

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Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER'S REQUEST FOR REFUND OF POST-INSTITUTION FEES was served as of the below date by electronic mail on the Patent Owner at the following correspondence address:

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